

**PATENT**  
 Atty. Dkt. No. ROC920010108US1  
 PS Ref. No.: LENO/K10108.Y1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 16 2005

In re Application of:  
 Birkholz et al.

Serial No.: 09/912,975

Confirmation No.: 6558

Filed: July 25, 2001

For: Method and Apparatus for  
 Automating Software Upgrades

Group Art Unit: 2192

Examiner: Hoang-Vu A. Nguyen-Ba

**MAIL STOP AMENDMENT**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8300 to the attention of Examiner Hoang-Vu A. Nguyen-Ba, on the date shown below:

November 16, 2005  
 Date

Joseph M. Jong


**RESPONSE TO OFFICE ACTION DATED MAY 16, 2005**

In response to the Office Action dated May 16, 2005, having a shortened statutory period for response extended to expire on November 16, 2005, please enter this response and reconsider the claims pending in the application for reasons discussed below. The Commissioner is hereby authorized to charge counsel's Deposit Account No. 50-3533 for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

A listing of the claims begins on page 2 of this paper. Remarks/Arguments begin on page 5 of this paper.

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